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MAR 23 2006

ROBERT M. ...  
WEST ...

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CASE NO.

02 CR-60011

VS.

JUDGE

Daherty

MAGISTRATE JUDGE METHVIN

Carl Lapoint

ORDER OF DETENTION PENDING REVOCATION HEARING

In accordance with FED. R.CR.P. 32.1, the release of a person arrested for a violation of probation or supervised release is governed by 18 U.S.C. §3143(a), that portion of the Bail Reform Act which governs release of convicted persons pending sentence or appeal.

Under the applicable law, a person arrested for a violation of probation or supervised release must be detained unless the court finds by "clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released." § 3143 (a) and (b)(1)(A). Furthermore, "[t]he burden of establishing that the person will not flee or pose a danger to any other person or to the community rests with the person." Rule 32.1(a)(6).

*Findings and Conclusions*

- ☒ The charging document was filed on March 20, 2006, alleging 4 counts of violations of (supervised release) ~~(probation)~~.
- ☐ At the preliminary hearing held on \_\_\_\_\_, the government established probable cause to hold defendant for a revocation hearing on the following counts: \_\_\_\_\_.
- ☒ Defendant waived a preliminary hearing on 3/23/06.
- ☒ A detention hearing was ~~(held)~~ (waived) on 3/23/06.
- ☒ The defendant failed to show by clear and convincing evidence that the defendant is not likely to flee if released.

☒ The defendant failed to show by clear and convincing evidence that the defendant is not likely to pose a danger to the safety of any other person or the community

☐ Written statement of reasons for detention:

*The charges raise issues regarding danger to the community and defendant waived a det. hearing*

***Directions Regarding Detention***

IT IS ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility pending a revocation hearing on April 12, 2006 before Judge Deberry. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signed at Lafayette, Louisiana on

March 23, 2006



Mildred E. Methvin  
United States Magistrate Judge  
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